



Dane County

Minutes - Final Unless Amended by Committee

Public Protection & Judiciary Committee-Fines & Fees Subcommittee

Consider:

Who benefits? Who is burdened?

Who does not have a voice at the table?

How can policymakers mitigate unintended consequences?

Wednesday, November 11, 2020

12:00 PM

Virtual Zoom Meeting: See top of agenda for
instructions on how to join the webinar or call in by
phone.

A. Call To Order

Meeting called to order at 12 p.m.

Others present: M. Juetten, C. Pabellon and S. Stavn.

Present: 11 - ISMAEL OZANNE, CATHERINE DORL, WESLEY SPARKMAN, JOSEPH BARING,
LINDA KETCHAM, HEIDI WEGLEITNER, NICHOLAS McNAMARA, CARLO
ESQUEDA, SARAH DAVIS, ERICA NELSON and CAROUSEL BAYRD

Absent: 3 - DAVID MAHONEY, ARVINA MARTIN and DOMINIQUE CHRISTIAN

B. Consideration of Minutes

1. [2020](#) FINES AND FEES SUBCOMMITTEE MINUTES OF OCTOBER 14, 2020
[MIN-276](#)

Attachments: [2020 MIN-276 10-14-2020](#)
[2020 PRES-074 Court Related Fees - Collection Unit](#)

**A motion was made by OZANNE, seconded by SPARKMAN, that the Minutes be
approved. The motion carried by the following vote: 11-0**

Ayes: 11 - OZANNE, DORL, SPARKMAN, BARING, KETCHAM, WEGLEITNER, McNAMARA,
ESQUEDA, DAVIS, NELSON and BAYRD

Absent: 3 - MAHONEY, MARTIN and CHRISTIAN

(Mahoney arrives at 12:04 p.m.)

Present: 12 - ISMAEL OZANNE, CATHERINE DORL, WESLEY SPARKMAN, JOSEPH BARING,
LINDA KETCHAM, HEIDI WEGLEITNER, NICHOLAS McNAMARA, DAVID
MAHONEY, CARLO ESQUEDA, SARAH DAVIS, ERICA NELSON and
CAROUSEL BAYRD

Absent: 2 - ARVINA MARTIN and DOMINIQUE CHRISTIAN

C. Reports to Committee

DA provided background on the deferred prosecution fees that his department assesses. Juette presented the history of fees since 2018, and he explained the discretion the department had under Dane County Ordinances to reduce such fees. In 2018, total was \$107,000. In 2019, the total was \$50,000 (approximately 742 individuals). In 2020, the total is \$7,904 (approximately 340 individuals). Juette further explained what would happen if an individual did not pay the program fee. If the individual completed everything that was expected, the department would dismiss the case regardless of any outstanding fees. Juette explained he would never send someone back into court just because they were unable to pay the program fee. Any program fees collected were returned to the county's general budget and did not benefit the program specifically.

Baring asked if those individuals who did not pay any fees but whose cases were dismissed ever paid the fee. Juette responded that only two individuals have done so. Davis asked if the failure to pay fees would have any adverse effect on these individuals, and Juette stated there would be no adverse effect. Dorl asked if there were restitution surcharges, and Juette answered there was not. Sparkman asked if Juette had any recommendations to improve the process. Juette responded that individuals under the program do not have financial means to pay for program fees, and advised that any fees creates a burden on these individuals. Ozanne advised that the County Board should get rid of the ordinance that authorizes the use of fees. Ozanne also recommended that the deferred prosecution program should receive purchase of service money to provide needed services. Judge McNamara provided comments on the deferred prosecution program and explained how the judiciary is involved. Judge McNamara also explained that the deferred prosecution program had the benefit of letting individuals avoid court fines and fees. Judge McNamara asked if DA Ozanne would provide data behind the deferred prosecution program.

Sup. Wegleitner asked for an estimate on what the cost would be for a POS agreement for the deferred prosecution program to provide services. Juette explained what he could provide. Sup. Wegleitner asked why certain individuals are sent to deferred prosecution program versus community restorative court. Ozanne explained that in the CRC they are looking for individuals between 17 to 25, and all are referred by local law enforcement, and they reach out to the victim. If the victim is not agreeable, Ozanne explained they would then take a look at the deferred prosecution program. Ozanne stressed that in each case, individuals must accept responsibility for their actions.

Bayrd asked Ozanne to confirm that the total amount of fees collected in 2020 was approximately \$7,904. Ozanne confirmed it. Bayrd asked if Ozanne was supportive of eliminating the fee, and he confirmed that he was.

D. Discussion of Information & Data Previously Presented to Subcommittee

Bayrd asked committee members how to handle the data or information received through presentations. Bayrd also informed the committee that a resolution was introduced to address the juvenile justice fees that were discussed in the previous meeting. Bayrd explained that an agenda item discussing the previous month's presentation will be present on the agenda going forward

E. Future Meeting Items and Dates

Bayrd informed the committee about the next three presentations that are currently scheduled.

F. Public Comment on Items not on the Agenda

None

G. Such Other Business as Allowed by Law

None

H. Adjourn

A motion was made by OZANNE, seconded by BARING, that the meeting be adjourned. The motion carried by the following vote: 12-0

The committee adjourned at 1:04 p.m.

Ayes: 12 - OZANNE, DORL, SPARKMAN, BARING, KETCHAM, WEGLEITNER, McNAMARA, MAHONEY, ESQUEDA, DAVIS, NELSON and BAYRD

Absent: 2 - MARTIN and CHRISTIAN